

IV. REMARKS

1. Claims 1-7 and 9-13 remain in the application. Claim 8 has been cancelled without prejudice. Claims 1, 2, 6, 7, 10, and 13 have been amended.
2. A replacement sheet for Figure 2 with labels for blocks 214, 220, and 224 is included with this response.
3. Headings have been added to the specification in compliance with US practice.
4. Claim 7 has been amended to overcome the 35 USC 101 rejection. Claim 8 has been cancelled.
5. Applicants appreciate the indication that claims 2-6 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants have amended claims 2 and 6 to include the features of claim 1 and submit that claims 2-6 are in condition for allowance.
6. Applicants respectfully submit that claims 1 and 9-13 are patentable over the combination of Braithwaite (as cited in Applicant's IDS) and Gentzler (US 6,191,652) under 35 USC 103(a).

The combination of Braithwaite and Gentzler fails to disclose or suggest identifying signalling codes from the n^{th} order set of orthogonal signalling codes of length 2^n having a lower occurrence of code spurs coinciding with active signalling codes than signalling codes amongst the n^{th} order set of orthogonal signalling codes, as recited by claims 1 and 10.

The combination of Braithwaite and Gentzler fails to disclose or suggest an identification of second signalling codes having a lower occurrence of code spurs coinciding with active signalling codes than signalling codes amongst the first signalling codes, as recited by claim 13.

Braithwaite investigates the effect of non-linear amplification of CDMA waveforms and uses variations in power amplifier gain in response to input power as a measure of the non-linearity. Braithwaite also discusses the relationship among Walsh code selection, data sequences, PN sequences, and power amplifier gain errors. However, Braithwaite has no disclosure related to performing a vector product operation on at least three signalling codes,

to predict a signalling code corresponding to a code spur; and identifying signalling codes from an n^{th} order set of orthogonal signalling codes having a lower occurrence of code spurs coinciding with active signalling codes than other signalling codes amongst the n^{th} order set of codes. Braithwaite identifies data ensembles that will produce excessively large gain peaks and reverses the sign of one or more data symbols in the ensemble to avoid the peaks (see p.2165, column 1). In contrast, the present claims operate to identify signalling codes from an n^{th} order set of orthogonal signalling codes that have a lower occurrence of code spurs coinciding with active signalling codes than other signalling codes amongst the n^{th} order set.

Gentzler has no disclosure related to identifying signalling codes from the n^{th} order set of orthogonal signalling codes of length 2^n having a lower occurrence of code spurs coinciding with active signalling codes than signalling codes amongst the n^{th} order set of orthogonal signalling codes.

At least for these reasons, the combination of Braithwaite and Gentzler fails to disclose or suggest all the features of independent claims 1, 10, and 13 and therefore fails to those claims and dependent claims 9, 12 and 13 unpatentable.

7. Applicants respectfully submit that claim 7 is patentable over the combination of Braithwaite, Gentzler, and Langberg et al. (US 5,852,630, "Langberg") under 35 USC 103(a).

Claim 7 depends from claim 1. Langberg fails to disclose or suggest the features of claim 1 missing from the combination of Braithwaite and Gentzler, that is, identifying signalling codes from an n^{th} order set of orthogonal signalling codes of length 2^n having a lower occurrence of code spurs coinciding with active signalling codes than signalling codes amongst the n^{th} order set of orthogonal signalling codes.

At least for these reasons, claim 7 is patentable over the combination of Braithwaite, Gentzler, and Langberg.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.


AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 30021028-02

Please charge Deposit Account No. 50-1078 \$540.00 for a one (1) month extension of time (\$120.00) and for the additional claims (\$420.00).

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-1078.

Respectfully submitted,



Joseph V. Gamberdell, Jr.
Reg. No. 44,695

21 December 2007
Date

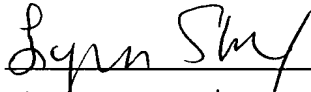
Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date: 21 Dec. 2007

Signature:



LYNN SHERROD

Person Making Deposit